

Message Text

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ACTION EB-07

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FM AMEMBASSY BELGRADE

TO SECSTATE WASHDC 792

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E.O. 11652: N/A

TAGS: BGEN, YO

SUBJECT: NEW YUGOSLAV LAW ON MARKETING OF DRUGS

REF: A) STATE 108706; B) BELGRADE 1771

1. EMBASSY WOULD BE PLEASED TO RECEIVE MR. LANDAU OF JOHNSON AND JOHNSON DURING WEEK OF JUNE 20 AND REQUEST APPOINTMENTS WITH FEDERAL AUTHORITIES. ECON/COMM OFFICER WILL ACCOMPANY HIM.

2. IN THE MEANTIME, EMBASSY IS PRESSING FOR ITS OWN MEETINGS WITH FEDERAL COMMITTEE FOR HEALTH AND SOCIAL PROTECTION AND FEDERAL COMMITTEE FOR ENERGY AND INDUSTRY, WHICH ALSO HAS JURISDICTION ON TRADEMARK QUESTIONS, TO OBTAIN CLARIFICATION OF ARTICLE 27(5). HEALTH COMMITTEE SEEMS TO HAVE BEEN LESS THAN FORTHCOMING IN REPLY TO OUR ORIGINAL INQUIRY (REF B). THE COMMITTEE HAS TO DATE IGNORED OUR WRITTEN FOLLOW-UP INQUIRY AND HAS TOLD THE BRITISH EMBASSY, WHICH REQUESTED MEETING TO DISCUSS SAME MATTER, THAT THEY WERE TOO BUSY TO SEE THEM. BRITISH EMBASSY OFFICER FEELS THAT THIS MAY REFLECT CONFUSION AMONG YUGOSLAVS THEMSELVES REGARDING REQUIREMENTS OF NEW LAW.

3. THE FACT IS, HOWEVER, THAT FIRST REFUSAL TO REGISTER FOREIGN DRUG FOR SALE IN YUGOSLAV MARKET BECAUSE OF TRADEMARK QUESTION
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MAY HAVE ALREADY OCCURRED. G. HENNING, MANAGING DIRECTOR OF BRISTOL-MYERS, VIENNA, REPORTED TO EMBASSY OFFICER THAT THE COMPANY'S YUGOSLAV PARTNER, GALENIKA, WAS TOLD INFORMALLY BY COMMITTEE FOR HEALTH AND SOCIAL PROTECTION THAT AN APRIL 1977 APPLICATION FOR THE REGISTRATION OF PENTREXYL-PRB UNDER THE BRISTOL-MYERS TRADEMARK WOULD NOT BE APPROVED. GALENIKA SAID THAT THE COMMITTEE'S REFUSAL TO REGISTER DRUG IS RELATED TO

THE TRADEMARK PROVISIONS OF THE NEW DRUG LAW. PENTREXYL-PRB IS VARIANT OF THE PRENTREXYL FAMILY OF MEDICAMENTS WHICH IS CURRENTLY REGISTERED FOR SALE IN YUGOSLAVIA UNDER THE BRISTOL-MYERS TRADEMARK. HENNING ASSUMED THAT COMMITTEE'S APPARENT REFUSAL TO REGISTER PENTREXYL-PRB WAS BECAUSE BRISTOL-MYERS WAS NOT PROVIDING FOR THE IRREVOCABLE TRANSFER OF TRADEMARK RIGHTS TO GALENIKA. EMBASSY WILL TRY TO DETERMINE IF THIS IS THE CASE IN MEETING WITH COMMITTEE.

4. EMBASSY CONCURS WITH DEPARTMENT'S INTERPRETATION OF DRUG LAW THAT ARTICLE 27(5) DOES NOT SINGLE OUT FOREIGN FIRMS FOR DISCRIMINATORY TREATMENT AND THEREFORE WOULD NOT SEEM TO VIOLATE THE PARIS CONVENTION FOR THE PROTECTION OF PROPERTY RIGHTS. WE WILL BE OPEN, HOWEVER, TO FURTHER DISCUSSION ON THIS MATTER DURING LANDAU VISIT.

5. ACTION REQUESTED: ASK LANDAU TO INFORM EMBASSY OF TRAVEL SCHEDULE AS SOON AS POSSIBLE.
YORK

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